



## 2003 ASSEMBLY BILL 642

November 10, 2003 - Introduced by Representatives HUBLER, STASKUNAS and HAHN, cosponsored by Senator JAUCH. Referred to Committee on Family Law.

1     **AN ACT to create** 40.80 (2r) of the statutes; **relating to:** qualified domestic  
2           relations orders.

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*Analysis by the Legislative Reference Bureau*

Currently, a participant's account assets in any deferred compensation plan administered by the Deferred Compensation Board (board) may not be divided pursuant to court order. This bill authorizes the board to divide a participant's account assets pursuant to a domestic relations order issued by a court relating to any marriage that terminated after January 1, 2002.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3           **SECTION 1.** 40.80 (2r) of the statutes is created to read:  
4           40.80 (2r) (a) In this subsection, "domestic relations order" means a judgment,  
5           decree, or order issued by a court pursuant to a domestic relations law of any state  
6           or territory of the United States that does all of the following:  
7           1. Relates to a marriage that terminated after January 1, 2002.

**ASSEMBLY BILL 642**

1           2. Assigns all or part of a participant's accumulated assets held in a deferred  
2 compensation plan under this subchapter to a spouse, former spouse, child, or other  
3 dependent to satisfy a family support or marital property obligation.

4           3. Names the deferred compensation plan established under this subchapter  
5 and is submitted to the deferred compensation plan provider selected under sub. (1).

6           4. Satisfies the requirements established by the deferred compensation board  
7 under par. (c).

8           (b) Notwithstanding s. 40.08 (1), a participant's accumulated assets held in an  
9 account in the deferred compensation plan established under this subchapter may  
10 be divided pursuant to a domestic relations order.

11           (c) The deferred compensation board shall prescribe the requirements for a  
12 domestic relations order and the administrative procedure for dividing an account  
13 in the deferred compensation plan established under this subchapter. The  
14 requirements shall be included in any deferred compensation plan and trust  
15 document approved by the deferred compensation board.

16           (d) The deferred compensation board and any member or agent thereof, the  
17 department and any employee or agent thereof, and the deferred compensation plan  
18 provider selected under sub. (1) are immune from civil liability for all of the following:

19           1. Any act or omission while performing official duties relating to implementing  
20 a domestic relations order under this subsection.

21           2. Any act or omission of a participant with respect to the participant's account  
22 under a deferred compensation plan, including specifically any deferral or  
23 investment election or distribution, during the period that begins on the day on

